

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re:)	Chapter 11
)	
CIRCUIT CITY STORES, INC.,)	Case No. 08-35653-KRH
<u>et al.</u> ,)	
)	Jointly Administered
Debtors.)	
)	
<hr/> CLEVELAND CONSTRUCTION, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
CIRCUIT CITY STORES, INC.,)	
)	
Defendant.)	
<hr/>)	

CONSENT ORDER MODIFYING THE AUTOMATIC STAY

THIS MATTER having come before the Court on Cleveland Construction, Inc.'s ("Cleveland") Motion for Relief from the Automatic Stay (Docket No. 2417) (the "Motion"), which requested that Cleveland be granted relief from the automatic stay to allow Cleveland to initiate certain litigation to enforce its mechanic's lien as a general contractor in the construction of Circuit City Store Number 4220, Merriam Village Shopping Center, 6030 Eby Street, Merriam, Kansas (the "Property"), and with the parties having reached an agreement with respect to the Motion,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The automatic stay provided in 11 U.S.C. § 362 is hereby modified for the limited purpose of allowing Cleveland to file and prosecute a lawsuit in the state court of Kansas to assert its mechanic's lien on the Property (the "Lawsuit");

2. Except for asserting a state law lien against the Debtor's rights, if any, in the lease between the Debtor and Coventry II DDR Merriam Village, LLC, Cleveland shall not seek to execute upon or attach any property of the bankruptcy estate without further order of this Court;

3. The automatic stay provided in 11 U.S.C. § 362 shall remain in full force and effect except as specifically provided herein; and

4. The ten (10) day stay provided for by Federal Bankruptcy Procedure 4001(a)(3) is hereby waived.

Dated: _____, 2009
Richmond, Virginia

UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ Jennifer J. West
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Counsel for Debtors and Debtors in Possession

CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing order has been endorsed by or served upon all necessary parties.

/s/ Jennifer J. West

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